

United States District Court
Eastern District of Michigan

United States of America

v.

Manuel Rodriguez /
 Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30060
 Case Number: 07-30061

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

- T** there is probable cause to believe that the defendant has committed an offense
- T** for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- "** under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

" I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Two cases: Large scale cocaine distribution and large scale fraud.
- T** (b) weight of the evidence - Very strong, including audio tape and video tape evidence.
- T** (c) history and characteristics of the defendant
 - T** 1) physical and mental condition - Good health.
 - T** 2) employment, financial, family ties - Has family ties and substantial assets.
 - T** 3) criminal history and record of appearance - No record of conviction.
- "** (d) probation, parole or bond at time of the alleged offense -
- "** (e) danger to another person or community -

Defendant is charged in two complaints with large scale cocaine distribution and large scale financial fraud. The evidence in the drug case is strong, including audio tape and video tape of the defendant. Both crimes appear to have generated substantial money and property. This defendant is 60 years old. The drug offense carries a mandatory minimum sentence of ten years with guidelines of 210-262 months - effectively a life sentence for a man of this age. The fraud offense involved the production of numerous false documents. Source information indicates that defendant is preparing a home in Mexico, and he has made numerous trips to that country. Pretrial Services recommends detention. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: January 25, 2007